

**ENTERED**

January 17, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISIONNORTH AMERICAN BUTTERFLY  
ASSOCIATION DBA NATIONAL  
BUTTERFLY CENTER, *et al*,

Plaintiffs,

VS.

NEUHAUS & SONS, LLC, *et al*,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 7:19-CV-00411

**ORDER STRIKING DEFENDANTS' MOTION TO DISMISS**

On January 7, 2020, Defendants Fisher Industries and Fisher Sand and Gravel Co. ("Defendants") filed a Motion to Dismiss consisting of portions of both their Motion to Dismiss and Original Answer (Dkt. No. 20) and their Brief in Opposition to Plaintiffs' Request for Temporary Restraining Order and Preliminary Injunction and in Support of Defendants' Motion to Dismiss (Dkt. No. 21). However, Defendants' Motion fails to comply with the Local Rules of this District as Defendants did not submit a separate proposed order attached to either filing. *See* Local Rule 7.1(C).

Accordingly, the Court **STRIKES** those portions of the abovementioned filings that constitute the Motion to Dismiss. More specifically, the Court considers Defendants' Motion to Dismiss and Original Answer (Dkt. No. 20) to be Defendants' Original Answer only and **STRIKES** sections V–VI of Defendants' Brief (Dkt. No. 21) from the record. Should Defendants wish to refile a Motion to Dismiss, they may do so in accordance with the Local Rules.

SO ORDERED this 17th day of January, 2020, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

---

Randy Crane  
United States District Judge